

Appln. No.: 09/988,924  
Amendment Dated May 3, 2005  
Reply to Office Action of February 3, 2005

MATP-612US

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: 09/988,924  
Applicant: Christopher J. Orlick  
Filed: November 19, 2001  
Title: METHOD OF LOW LATENCY INTERLACE TO PROGRESSIVE VIDEO FORMAT  
CONVERSION  
TC/A.U.: 2614  
Examiner: Trang U. Tran  
Confirmation No.: 9367  
Docket No.: MATP-612US

**PETITION PURSUANT TO 37 C.F.R. 1.144**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.144 and responsive to the Final Restriction Requirement made in the Office Action dated February 3, 2005, Applicants petition the Director to review the Restriction Requirement in view of the following remarks:

In the previous Office Action, Applicants were required to elected either Group I or Group II for prosecution. Applicant responded to the restriction requirement and elected to prosecute Group 1, claims 1-12 and 19-27. This election was made with traverse. In the Office Action dated February 3, 2005, The Examiner made the requirement final. Applicant respectfully continues to disagree with Examiner and petitions for rejoinder of the claims.

In the Office Action dated August 25, 2004, it was asserted that the claims in Groups I and II are related as subcombinations disclosed as usable together in a single combination. Furthermore, it was asserted that "invention I has separate utility such as converting an interlace scan video image to a progressive scan video image and does not require the capabilities of determining a degree of movement in a region of the target picture element (pixel) position between a last displayed image and a current image." Applicants disagreed with this assertion, asserting that inventions I and II are not related as subcombinations but, instead, are claims of varying scope relating to the same invention.

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Contrary to the statement in the Restriction Requirement, claim 1 does require, in step (b) "determining a degree of movement in the region of the target pixel position between a previously displayed image and the interlace scan image." This was erroneously indicated as being step (d) in the prior response. The language quoted, however, is verbatim from step (b). It is noted, moreover, that the examiner is aware of step (b) of claim 1 as he has specifically cited it in Item 6 of the Office Action dated February 3, 2005.

Claim 1 in Group I also requires "generating a plurality of potential values for an interpolated pixel at the target pixel position; and selecting at least one potential value from the plurality of potential values for the interpolated pixel responsive to the determination of whether said target pixel position lies on an edge and the determined degree of movement in the region of the target pixel position." This corresponds to a broader scope of the limitations, "generating an intra-field interpolated pixel value for the target pixel position; generating an inter-field interpolated pixel value for the target pixel position; and combining the intra-field interpolated pixel value and the inter-field interpolated pixel value in a proportion determined by the degree of movement in the region to produce an output interpolated pixel value for the progressive scan video image," recited in claim 13, which is in Group II.

Applicant is encouraged to have claims of varying scope to define the invention. (See MPEP § 608.01(m)). Accordingly, because claim 1, in Group I and Claim 13 in Group II are not subcombinations but, instead are claims of varying scope concerning a single invention, the restriction requirement is improper and Applicant respectfully requests that it be withdrawn.

In response to this argument, in the Office Action dated February 3, 2005, the Examiner continued to assert that claim 1 did not include the limitation of "determining a degree of movement in a region of a target picture element (pixel) position between a last displayed image and a current image." In addition, the Examiner, misinterpreted the statement in the response dated September 27, 2004. The statement:

Claim 1 in Group I also requires "generating a plurality of potential values for an interpolated pixel at the target pixel position; and selecting at least one potential value from the plurality of potential values for the interpolated pixel responsive to the determination of whether said target pixel position lies on an edge and the determined degree of movement in the region of the target pixel position." This corresponds to a broader scope of the limitations, "generating an intra-field interpolated pixel value for the target pixel position; generating an inter-field interpolated pixel value for the target pixel position; and combining the intra-field interpolated pixel value and the inter-field interpolated pixel value in a

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proportion determined by the degree of movement in the region to produce an output interpolated pixel value for the progressive scan video image," recited in claim 13, which is in Group II

was not a statement that the limitation in step (d) is equivalent to the step of "determining a degree of movement in a region of a target picture element (pixel) between a last displayed image and a current image" but a statement that the limitation in step (d) is a broader recitation of the limitations in claim 13 which was erroneously included in group II. As set forth above, the step of "determining a degree of movement in a region of a target picture element (pixel) between a last displayed image and a current image" from claim 13 is recited in step (b) of claim 1.

Applicants continue to assert that claim 1 of group I is a claim of varying scope directed to the same invention as is claimed in claim 13 of group II. Accordingly, Applicants assert that the restriction is improper.

In view of the foregoing amendments and remarks, Applicants petition the Director to reconsider and withdraw the Restriction Requirement that separates claims 1-12 and 19-27 on the one hand from claims 13-18 and 28-31 on the other hand.

Respectfully submitted,

  
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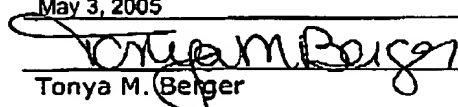
Dated: May 3, 2005

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (1-703-872-9306) on:

May 3, 2005

  
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Tonya M. Berger

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